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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/227,780 01/08/99 SOBOTS

J

QM12/0719

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EXAMINER

PARADISO, J

ART UNIT

PAPER NUMBER

3713

DATE MAILED:

07/19/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/227,780

Applicant(s)

SOBOTS

Examiner

John Paradiso

Group Art Unit

3713



☒ Responsive to communication(s) filed on 1/18/99

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-19 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

## DETAILED ACTION

### Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: does not have the required declarations by the inventor or the inventor's signature.

### Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5, 6, and 8-19 are rejected under 35 U.S.C. 102(b) as being anticipated by HAN.

HAN discloses a video game with an associated receiver for receiving the wireless transmissions of a set of game controllers (11, 12). The game controllers each have a housing, sensors for detecting the movements and controls of a player, and a transmitter that sends information to the game receiver, the information including the input from the sensors and the address of the sender unit. HAN also discloses using a form of time domain multiplexing to convey several different items of information using separate time intervals.

Examiner notes that while HAN does not disclose the senders as transmitting using a time domain multiplexing setup, the transmitters are capable of doing so. Likewise, the transmitters are also capable of being turned off.

(See HAN columns 3-7 and figures 2, 6, 8a-c, and 11.)

**Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over HAN in view of OGATA ET AL.

HAN does not specifically disclose the game sending signals back to the game controllers.

OGATA ET AL discloses a game controller in which sensors (7, 8) receive player input and then send it to a game module. The game module sends feedback signals to the game controller. (See OGATA ET AL, columns x-y and figures z-z.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of HAN to receive feedback signals from the game, as taught by OGATA ET AL, in order to make the player feel more like a part of the game experience.

Regarding claim 7, It would have been an obvious matter of design choice to set the transmission frequency to 300 MHZ or above, since applicant has not disclosed that using this particular frequency solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the transmitter set to any frequency that provided a reasonable power and clarity of signal.

### Conclusion

6. The following prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

- DeANGELIS discloses a toy using controllers that send wireless signals to different toys, identified by different channels/addresses.
- HERDER ET AL discloses a computer control device using wireless communications.
- JUNOD ET AL discloses a wireless mouse.
- LAM ET AL discloses an electronic game using wireless controllers.
- CHUNG discloses a wireless control system for video games.
- LUREY ET AL discloses a system of time domain multiplexing for signal transmission.
- SMITH ET AL discloses a system of time domain multiplexing for signal transmission.
- HOARTY ET AL discloses a system of transmission distribution using addresses.
- GREEN ET AL discloses a wireless joystick.
- LEUNG discloses the use of multiple wireless joysticks.
- ROSENBER ET AL discloses a joystick with force feedback.
- TAIRA ET AL discloses a method of time domain multiplexing.
- FUKUDA discloses a method of time domain multiplexing.
- De BOT discloses a method of time domain multiplexing.
- STIRLING ET AL discloses a method of time domain multiplexing.
- CHANDER ET AL discloses a method of time domain multiplexing.
- TAJIMA ET AL discloses a method of time domain multiplexing.
- WARREN ET AL discloses a method of addressing.
- STIRLING ET AL discloses a method of addressing.

- GANDAR discloses a method of addressing.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to:



Examiner John Paradiso

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July 17, 2000